

31

**CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 6, 1995
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Davenport, Pennino, Sieglock, Warner and Mann (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Acting Assistant City Manager/Public Works Director Ronsko, City Engineer Prima, Acting Finance Director McAthie, Interim City Attorney Stovall, Deputy City Attorney Luebberke, and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Bruce Logue, Church of Christ.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann presented Awards of Merit to members of the Morada Little League Baseball Team, which holds the 1995 championship in the "District Eight", "Section Six", "Divisional Tournament", "Western Regionals", and "Northern State Champions". The team recently returned from Florida, finishing in the top three at the Senior Little League World Series.
FILE NO. CC-37
- b) Jim Schweikerdt with the Lodi District Chamber of Commerce introduced Diana Slawson, Manager of the new Conference and Visitors Bureau. Ms. Slawson thanked the Chamber and the City of Lodi for their confidence, and reported the Visitors Bureau is currently creating a mission statement to be brought to City Council in the near future.
FILE NO. CC-7(k) AND CC-400
- c) Mark Chandler of the Lodi-Woodbridge Winegrape Growers Commission presented a report to the City Council regarding the activities of the commission and the importance of the wine industry for the economy in this community. Lodi is the zinfandel capital of the world. Lodi is number one in the State for zinfandel, cabernet sauvignon and sauvignon blanc, second in the State for chardonnay and third for Merlot. The commission has been strongly promoting the Lodi-Woodbridge area, and has created a beautifully arranged packet of information. Mr. Chandler presented each Council Member with a packet, a framed poster and a bottle of wine. Mr. Chandler invited the City Council and the public to attend its special event, "Timeless Tradition in the Wine and Arts" at the San Joaquin County Historical Society Museum on October 7 - November 5, 1995. Council Member Pennino suggested that the City Council and the commission conduct a joint meeting in the future to discuss looking at the wine industry as an economic tool for the City of Lodi.
FILE NO. CC-6 AND CC-400
- d) Susan Holmquist with California Waste Removal Systems, introduced the new 64-gallon waste cart now being offered to residents who currently have the 38-gallon carts. A flyer will be on the carts to announce the program. The cart is the same size of the recycling bin and is less costly than the two 38-gallon bins. For a limited time, California Waste will be offering a 30-day free trial at \$15.87, which is the same rate as the 38-gallon cart. If

32
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Continued September 6, 1995

the resident decides to keep the 64-gallon cart, the monthly cost will be \$23.87, which is an increase of \$8. Anyone interested was urged to call California Waste at 369-8274.
FILE NO. CC-22(b) AND CC-54

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Warner second, approved the following items hereinafter set forth **except those otherwise noted** which were to be discussed and acted upon at the end of the agenda by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

Prior to voting on the above motion, Council Member Davenport called for **orders of the day**; however, the motion was already on the floor to move the removed Consent Calendar items to the end of the agenda.

- a) Claims were approved in the amount of \$4,065,489.08.
FILE NO. CC-21(a)
- b) Agenda item #E-2 entitled, "Minutes - August 16, 1995 (Regular Meeting) and August 29, 1995 (Joint Meeting)" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Sieglock.)
- c) Agenda item #E-3 entitled, "Plans and specifications and advertisement for bids to refinish and reline two portable basketball floors" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- d) Agenda item #E-4 entitled, "Specifications and advertisement for bids for pickup truck for Public Works Inspector" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- e) Agenda item #E-5 entitled, "Specifications and advertisement for bids for network, hardware and software for the Parks and Recreation Department" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- f) Approved the specifications for one computer workstation for Computer Assisted Drafting for the Parks Department and authorized advertisement for bids.
FILE NO. CC-12.1(b)
- g) Adopted Resolution No. 95-106 awarding the bid for the purchase of one Toro Groundsmaster® 325D Trim Mower to the low bidder, West Star Distributing of Rancho Cordova, in the amount of \$16,687.24.
FILE NO. CC-12(d) AND CC-300
- h) Agenda item #E-8 entitled, "Purchase of Police patrol motorcycle (\$8,203.46) and standardize future source of supply" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)

Continued September 6, 1995

- i) Adopted Resolution No. 95-108 awarding the bid for purchase of 10,000 feet of #1/0AWG, and 12,000 feet of #350Kcmil, 600-Volt XLPE Triplex Cable to the low bidder, BICC Utility Cable Company of Huntington Beach, California, in the amount of \$28,594.70.
FILE NO. CC-12(d) AND CC-300
- j) Agenda item #E-10 entitled, "Contract award for White Slough Water Pollution Control Facility Holding Pond No. 2 embankment rehabilitation" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- k) Accepted the improvements under "Type II Slurry Seal, Various City Streets, 1995" contract, and directed the City Engineer to file a Notice of Completion with the County Recorder's Office.
FILE NO. CC-90
- l) Accepted the improvements under the "1994/95 Handicap Ramp Retrofit Project, Various Locations" contract, and directed the City Engineer to file a Notice of Completion with the County Recorder's Office.
FILE NO. CC-90
- m) Agenda item #E-13 entitled, "Improvement Deferral Agreement for 246 East Almond Drive, Lodi" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- n) Agenda item #E-14 entitled, "Agreement for right-of-way acquisition at 207 South Hutchins Street" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- o) Agenda item #E-15 entitled, "Approve Northern California Power Agency (NCPA) Member Resource Marketing Project Agreement" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- p) Adopted Resolution No. 95-111 approving the agreement between the San Joaquin County Data Processing Division and the City of Lodi for Fiscal Year 1995-96 to provide data processing services and access to Automated Message Switching/CJIS Systems.
FILE NO. CC-90, CC-152 AND CC-300
- q) Agenda item #E-17 entitled, "Legal services agreement (1995 Public Improvement Financing Project)" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport and Council Member Sieglock.)
- r) Agenda item #E-18 entitled, "Class specification and salary range for Park Project Coordinator" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- s) Agenda item #E-19 entitled, "Revised class specification for City Engineer" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- t) Set Public Hearing for October 4, 1995 to consider Reimbursement Agreement #RA-95-04 for public improvements in Kettleman Lane and along the west boundary of the Lodi Town Plaza Shopping Center constructed with the Lodi Town Plaza Shopping Center.
FILE NO. CC-90

Continued September 6, 1995

6. PUBLIC HEARINGS

None.

7. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Mann, Warner second, unanimously rejected the following claim:

1. Sheri B. Mallory, date of loss 6/18/95
FILE NO. CC-4(c)

- b) City Clerk Perrin read the following ABC Licenses:

1. Feng Chow to Elaine Chen, Hong Kong Chinese Restaurant #2, 429 West Lockeford Street, Lodi, On-Sale Beer and Wine, Person to Person Transfer
FILE NO. CC-7(f)

- c) The following report was presented to the City Council:

1. Planning Commission report of August 28, 1995.
FILE NO. CC-35(c)

- d) The City Council, on motion of Council Member Pennino, Sieglock second, unanimously made the following appointments:

Lodi Arts Commission

Wayne Shrope	term to expire July 1, 1997
Laura Heinitz	term to expire July 1, 1998
FILE NO. CC-2(k)	

8. REGULAR CALENDAR

- a) The City Council, on motion of Mayor Mann, Pennino second, adopted Resolution No. 95-114 renaming Westgate Park as "Peterson Park" by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-6, CC-27(c) AND CC-300

- b) The City Council, on motion of Council Member Sieglock, Warner second, unanimously approved the staff recommended street improvement incentives for Cherokee Lane (copy of which is on file in the City Clerk's office).
FILE NO. CC-45(a) AND CC-400

- c) Council Member Sieglock made a motion to approve the specifications and authorize advertisement of bids for the tree trimming of 408 trees with the City administering the program instead of hiring an additional employee and return to the City Council with further information on including the Parks Department and the Electric Utility Department trees in the program and regarding costs. The motion **died** for lack of a second.

Continued September 6, 1995

Further, The City Council, on motion of Council Member Warner, Mann second, approved the specifications for tree trimming, authorized advertisement for bids, conceptually approved the new position of a landscape/arborist-type classification (exact title and job specification to be brought back to the City Council at a later date) and further provided direction to staff to return to the City Council with information on including the trees from the Electric Utility Department and the Parks Department in the program by the following vote:

Ayes: Council Members - Pennino, Warner and Mann (Mayor)
Noes: Council Members - Davenport and Sieglock
Absent: Council Members - None

Council Member Sieglock stated for the record that he supported the bid to trim the 408 trees; however, did not support the hiring of a new position.
FILE NO. CC-12.1(c), CC-34 AND CC-49

- d) The City Council, on motion of Mayor Mann, Pennino second, unanimously adopted Resolution No. 95-115 agreeing to participate in the cost of the at-grade crossing protection on Pleasant Avenue at Lockeford Street based on the City receiving Federal funding and with the City's share not to exceed 10 percent.
FILE NO. CC-48(c) AND CC-300
- e) The City Council, on motion of Council Member Sieglock, Warner second, unanimously adopted Resolution No. 95-116 approving the City of Lodi's annual investment policy and internal control guidelines.
FILE NO. CC-21(a) AND CC-300
- f) Agenda item #H-6 entitled, "Main Street Fire Station Study" was pulled from the agenda pursuant to staff's request. The matter will be brought back to the City Council at its meeting of September 20, 1995.

9. ORDINANCES

None.

10. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

11. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Davenport thanked everyone for coming to the meeting and further commented on the following matters: 1) Reminded everyone to be ever mindful of the gangs and for parents to keep apprised of what their kids are doing; 2) Requested a status report regarding the equipment at Blakely Park pool. Parks and Recreation Director Williamson indicated that the pool is not yet running; however, staff will be bringing back to the City Council a combined project which will include the replacement equipment for Blakely pool and the filters that were budgeted this year. They would like to be up and running again by the first of February 1996; 3) Received a report regarding the number of pot belly pigs licensed in the City of Lodi. The Finance Department records indicated that the City has only two registered within the City; 4) Also received a letter from a citizen requesting that the fountain at City Hall be brought back to working condition. Mr. Davenport would also like to see it working and requested that a report be

36

Continued September 6, 1995

brought back to the City Council on what the costs are to operate it; 5) Indicated he is aware of the General Mills problem of sugar getting on cars in the area. General Mills is currently mitigating the problem; 6) The City Council has been invited to ride with American Medical Response (AMR); 7) Indicated that he is proud of the City's Investment Policy, and it is available to the public. He does not want to see the Orange County situation happen in Lodi; 8) Informed the public that the Feasibility Study has been completed for the Main Street Fire Station study, which is available to the public; 9) The Environmental Impact Report (EIR) for the California Youth Soccer Association (CYSA) is completed and available to the public; and 10) Received fact sheet #3 regarding Lodi's groundwater assessment which is available to the public.

FILE NO. CC-16 AND CC-27(c)

- b) Council Member Pennino reminded everyone to be ever remindful of downtown and Cherokee Lane revitalization and to continue to keep it at the forefront. It has been quite while staff has been working on the assessment districts. At Field and Fair Day there were some extremely good pictures of the project, and Council Member Pennino complimented the volunteers involved in this great event!. Council Member Pennino has heard some good reviews of the new restaurant at Cottage Bakery, and Hazel's restaurant will also be opening soon.
FILE NO. CC-72 AND CC-400
- c) Council Member Warner also complimented the Field and Fair Day volunteers on another successful event. Mr. Warner recently received comments from attendees of the Thursdays Lunch Time Live events that they would like to see the fountain operational again. Mr. Warner assured the public that the Public Works Department is looking into the matter.
FILE NO. CC-16
- d) Council Member Sieglock also commented on the success of Field and Fair Day and thanked its volunteers. Council Member Sieglock also complimented Mayor Mann on winning the milking contest against City Manager Flynn who also made a good effort. Informed the public that the City Council met with the Library Board in a joint meeting on August 29, 1995. The meeting was productive and he again stressed his opposition to the eight cent sales tax and that the City should instead look at fully funding the library at its current level. Mr. Sieglock requested that this matter be put on a future agenda in order to discuss the matter well in advance of budget time so that direction can be provided to the Library. Council Member Sieglock also urged staff to pursue the "quality of life" survey that was discussed during budget discussions and was to be sent along with the utility billings. This matter should be discussed together as a Council, so that it is created as a constructive survey to build a better City and receive public feedback on how things are running in the City of Lodi. Mayor Mann suggested that staff draft the survey and return to the City Council for discussion at a Shirtsleeve Session.
FILE NO. CC-6 AND CC-2(d)
- e) Mayor Mann indicated he recalled that direction had been given to the Community Development Department to draft a survey to hand out to citizens taking out building permits for feedback on the service provided by the Department. He would like to see this come back to the City Council within the next 30 days.
FILE NO. CC-6
- f) City Manager Flynn informed the City Council that he has begun to draft a quality assurance survey which will be ready in the next two or three months.
FILE NO. CC-6
- g) Mayor Mann congratulated Cal Rifkin Jr. for breaking the record in number of baseball games played. Mayor Mann teased City Manager Flynn for coming up a bit short in beating him out of the title in the milking contest at the Field and Fair Day. Mayor Mann also concurs

Continued September 6, 1995

that the fountain is a disgrace and needs to be attended to and operational again. Mayor Mann challenged the local service clubs to take the matter on as a project. Mayor Mann also informed the public of the new City of Lodi newsletter which is in print and will be in the City utility bills this month, noting that Shawna McCabe did a tremendous job.
FILE NO. CC-6 AND CC-16

12. CLOSED SESSION

Mayor Mann adjourned the City Council meeting to a Closed Session to discuss the following matters:

- a) Threatened Litigation - State of California v. City of Lodi et al. (PCE/TCE)
- b) City of Lodi et al. v. Shell et al. (DBCP)
- c) California Youth Soccer Association (CYSA) lease
- d) Labor Relations - United Firefighters of Lodi (UFL); San Joaquin Public Employees' Association (SJPEA) regarding General Services and Maintenance & Operators; Lodi Police Dispatchers' Association (LPDA) and Confidential Employees
Negotiator: Personnel Director Joanne Narloch
- e) Discussion regarding City Attorney recruitment

13. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Mayor Mann reconvened the City Council meeting at approximately 11:15 p.m. and disclosed the following actions:

Threatened Litigation - State of California v. City of Lodi, et al. (PCE/TCE)

No final action taken on the matter.

City of Lodi et al. V. Shell et al. (DBCP)

No final action taken on the matter.

California Youth Soccer Association (CYSA) Lease

No final action taken on the matter.

Labor Relations - United Firefighters of Lodi (UFL); San Joaquin Public Employees Association (SJPEA) regarding General Services and Maintenance and Operators; Lodi Police Dispatchers Association (LPDA) and Confidential Employees Negotiator: Personnel Director Joanne Narloch

No final action taken on the matter.

City Attorney Recruitment

No final action taken on the matter.

FILE NO. CC-200(a), CC-200(b), CC-200(c) AND CC-200(d)

14. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Mayor Mann, Davenport second, unanimously approved the minutes of August 16, 1995 (Regular Meeting) and the minutes of August 29, 1995 (Joint Meeting with the Library Board) with minor language change as follows:

"Mr. Sullivan indicated he would like to see the 1/8 cent sales tax initiative be successful; however, Council Member Sieglock indicated he *was opposed to the 1/8 cent sales tax and would rather see the City fund the Library at the current level.*"

FILE NO. CC-1(b)

- b) The City Council, on motion of Council Member Davenport, Sieglock second, unanimously approved the plans and specifications to refinish and reline two portable basketball floors and authorized advertisement for bids.

FILE NO. CC-12.1(c)

15. VOTE TO CONTINUE THE MEETING FOLLOWING 11 PM HOUR

The City Council, on motion of Council Member Davenport, Sieglock second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

16. CONTINUATION OF ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Pennino, Warner second, approved the specifications for the pickup truck for Public Works Inspector and authorized advertisement of bids by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-12.1(b)

- b) The City Council, on motion of Davenport, Warner second, unanimously approved the specifications for computer hardware and software for the Parks and Recreation computer network installation and authorized advertisement of bids.

FILE NO. CC-12.1(b)

- c) The City Council, on motion of Council Member Sieglock, Warner second, unanimously adopted Resolution No. 95-107 authorizing the purchase of one 1995 Kawasaki KZ-1000 P-13 Police Motorcycle in the amount of \$8,203.46 from Kawasaki of Modesto, the nearest Kawasaki dealer experienced in police motorcycle assembly and service and authorized, for future approved or budgeted purchases, that the bid process be dispensed with and purchases be negotiated with the nearest Kawasaki dealer with experience in police motorcycle assembly and service.

FILE NO. CC-12(a) AND CC-300

- d) The City Council, on motion of Mayor Mann, Davenport second, unanimously adopted Resolution No. 95-109 awarding the contract for White Slough Water Pollution Control Facility Holding Pond No. 2 embankment rehabilitation to Don Lawley Company of Stockton in the amount of \$55,530 (Base Bid plus Bid Alternates 1 and 2).

FILE NO. CC-12(a) AND CC-300

Continued September 6, 1995

- e) The City Council, on motion of Council Member Davenport, Mann second, unanimously approved the Improvement Deferral Agreement for 246 East Almond Drive, and directed the City Manager and City Clerk to execute the agreement on behalf of the City.
FILE NO. CC-90
- f) The City Council, on motion of Council Member Davenport, Sieglock second, unanimously authorized the City Manager and City Clerk to execute the right-of-way agreement for 207 South Hutchins Street and appropriate street funds to pay for this acquisition.
FILE NO. CC-90
- g) (Prior to discussion regarding this matter, it was determined by Interim City Attorney Stovall that Council Member Pennino did **not** have a conflict of interest.) The City Council, on motion of Council Member Warner, Sieglock second, unanimously adopted Resolution No. 95-110 approving the Northern California Power Agency (NCPA) Member Resource Marketing Project Agreement.
FILE NO. CC-7(j), CC-90 AND CC-300
- h) Council Member Sieglock mistakenly did not remove from the Consent Calendar agenda item #E-16 entitled, "Agreement between San Joaquin County Data Processing and the City of Lodi Police Department" and, therefore, made a motion, Davenport second, to hear discussion on this item. The motion failed by the following vote:

Ayes: Council Members - Davenport and Sieglock
Noes: Council Members - Pennino, Warner and Mann (Mayor)
Absent: Council Members - None
- i) The City Council, on motion of Council Member Pennino, Sieglock second, unanimously approved the agreement for legal services with Jones, Hall, Hill and White for the 1995 Public Improvement Financing Project.
FILE NO. CC-21(a) AND CC-90
- j) The City Council, on motion of Council Member Warner, Mann second, unanimously adopted Resolution No. 95-112 approving the class specification and the following salary range for Park Project Coordinator:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$2,363.06	\$2,481.21	\$2,605.28	\$2,735.54	\$2,872.32

FILE NO. CC-34 AND CC-300

- k) The City Council, on motion of Mayor Mann, Warner second, unanimously adopted Resolution No. 95-113 revising the class specification for City Engineer and placing this position in the Management Benefit Group.
FILE NO. CC-34 AND CC-300

17. ADJOURNMENT

There being no further business to come before the City Council, Mayor Mann adjourned the meeting at approximately 12:13 a.m., Thursday, September 7, 1995.

ATTEST:


Jennifer M. Perrin
City Clerk